

PATENT

Atty. Dkt. No. WEAT/0033.D3

**REMARKS**

This is intended as a full and complete response to the Office Action dated April 13, 2005, having a shortened statutory period for response set to expire on July 13, 2005. Claims 1-20 are currently pending in the application. Claims 1-11 and 18 have been cancelled. Claims 21-31 have been added. Please reconsider the claims pending in the application for reasons discussed below.

**Claim Rejections Under 35 U.S.C. § 102(b)**

The Examiner rejected claims 1, 12, and 17 as being anticipated by WO '291. Applicants respectfully traverse the rejection of claim 12 and Applicants have amended claim 17 and cancelled claim 1.

As amended, claim 17 includes the limitation of moving a two position member between an extended position and a retracted position, wherein the two position member is biased in the extended position by a biasing member. Further, claim 12 includes the limitation of a two position member biased in an extended position by a biasing member. WO '291 does not disclose a biasing member for biasing a piston in an extended position. Rather, WO '291 appears to be silent on how the piston is maintained in the extended position as shown in Figure 13 of WO '291. In fact, WO '291 only states that "the force generator of Fig. 6 is positioned initially so that the power piston 200 is in the extended position". (See WO '291, pg 20 lines 5-10) For this reason, WO '291 can not be used to anticipate claims 12 and 17. Applicants, therefore, submit that claims 12 and 17 are in condition for allowance and respectfully request withdrawal of the § 102(b) rejection.

**Allowable Subject Matter**

The Examiner objected to claims 2-8, 13-16, 19, and 20 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As stated above, claims 2-8 have been cancelled. Additionally, claims 13-16 depend from claim

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12 and claims 19 and 20 depend from claim 17, and they are allowable for at least the same reasons as claim 12 and amended claim 17.

#### New Claims

Claims 21-31 have been added to better define aspects of the present invention. Applicants submit that no new matter was added. Applicants believe the references cited by the Examiner do not teach or suggest a tool member having a two position member movable between an extended and a retracted position, the two position member biased in the extended position by a spring member, as recited in claim 21.

Further, Applicants believe the references cited by the Examiner do not teach or suggest a tool for operating a fluid actuated downhole tool, wherein the tool includes a body, whereby the body defines a pathway for a downward flow of power fluid from a pipe thereabove. The tool further includes a gripping member coupled to the body, wherein the gripping member including a biasing mechanism. The tool also includes a restriction portion for increasing the velocity of the power fluid and a return fluid and for creating an area of low pressure therearound and a diverter portion for directing the high velocity power fluid and the return fluid, the area of low pressure operatively acting upon the downhole tool to actuate the downhole tool as recited in claims 22-31. Therefore, Applicants believe new claims 21-31 are in condition for allowance, and respectfully request allowance of the same.

#### Conclusion

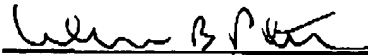
In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

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Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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